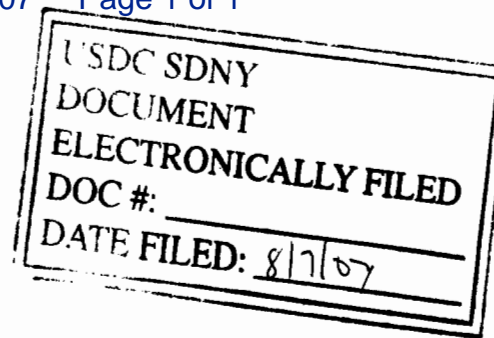


HOWARD R. BIRNBACH

ATTORNEY AT LAW

111 GREAT NECK ROAD, SUITE 413
GREAT NECK, NEW YORK 11021
516/829-6305
FAX 516/829-0651



July 30, 2007

MEMO ENDORSED

U.S. COURTHOUSE
500 Pearl Street
New York, New York 10007-1312

ATTN: Honorable Judge Kenneth M. Karas

07 CR 280 (KMK)

RE: USA v. Baez and Vitale - ~~Docket #07M-10280 (KMK)~~

Dear Judge Karas:

On August 9, 2007 co-Defendant Nickhoulas Vitale will be moving this Court for certain relief concerning the above entitled matter.

Co-Defendant Iris Baez is not a party to this motion.

Is it imperative that Ms. Baez or counsel appear on this date?

I will be out of the country on this date.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. R. Birnbach".

HOWARD R. BIRNBACH

cc: Asst. U.S. Attorney Wong (via fax)
Vincent Romano, Esq. (via fax)

Mr. Birnbach and Ms. Baez
Need not appear at the August 9, 2007
conference.

So Ordered.
A handwritten signature in black ink, appearing to read "K. M. Karas".
8/6/07